



## City of Seattle

Edward B. Murray, Mayor

### Seattle Department of Construction and Inspections

Nathan Torgelson, Director

## CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

**Application Number:** 3019451  
**Applicant Name:** Steve Southerland  
**Address of Proposal:** 10033 29th Avenue NE

### SUMMARY OF PROPOSED ACTIONS

Land Use Application to change the use of a single family residence to institution and to change the boundaries of the institution (Seattle Waldorf School).

The following approvals are required:

**Administrative Conditional Use** - To allow expansion of an institution in a single family zone (SF5000).

### BACKGROUND

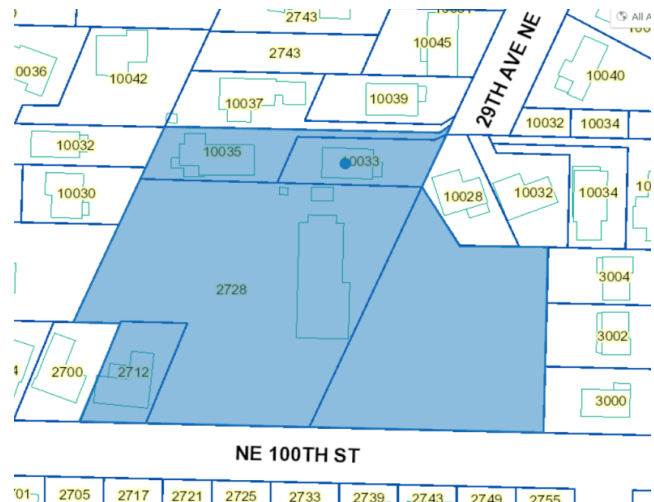
The site received approval to adjust the boundary between two parcels of land under Project No. 3020153: A) 83,922 sq. ft. and B) 23,152 sq. ft. The lot boundary adjustment was recorded under 20160303900007. Project No. 6484475 changed the use of a portion of the institution (Parcel B at the east edge of the site) to open space and park.

### SITE AND VICINITY

**Site Zone:** Single Family  
(SF 7200)

**Nearby Zones:** North: SF 7200  
South: SF 7200  
West: SF 7200  
East: SF 7200

**Site Size:** 108,968 sq. ft.



Environmentally Critical Areas:  
Potential Slide  
Riparian Corridor  
Steep Slope  
Wetland

PUBLIC COMMENT:

The public comment period ended on April 22, 2015. No comments were received.

**ANALYSIS – ADMINISTRATIVE CONDITIONAL USES**

The proposal is to change the use of an existing structure at the north edge of the site (single family residence) to private school use (Seattle Waldorf School). Expansions of private schools institutions in single family zones require administrative conditional use approval.

SMC 23.44.018 and SMC 23.44.22 provide that the Director may approve, condition, or deny an application for an administrative conditional use. The Director's decision shall be based on a determination whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located. The following criteria were used to evaluate the proposal:

***SMC 23.44.022.D .1 General Provisions.** New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution master plan.*

*SMC 23.44.008 Development standards for uses permitted outright.* Per 23.44.022.A, Institutions (including private schools) are permitted as conditional uses in single family zones.

*SMC 23.44.010 Lot Requirements.* The proposed 108,868 square foot lot area exceeds the minimum lot area of 7,200 square feet for the zone. The project as proposed would not exceed the lot coverage limits for the single family zoned lot. A maximum 35 percent lot coverage is permitted and about 15.5 percent lot coverage is proposed.

*SMC 23.44.012 Height Limits.* The subject structure, at 23'-1 1/2", is below the maximum height limit for the zone.

*SMC 23.44.013 Transportation Concurrency Level of Service Standards.* This project is exempt from the requirement for Transportation Concurrency Review, per SMC 23.52.002.

*SMC 23.44.014 Yards.* In single family zones, yard requirements for institutions are the same as for uses permitted outright provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten feet to the side lot line, per SMC 23.44.022K.2.

The existing structure is not changing with respect to its location relative to property lines. Although the existing structure is not being relocated, the expansion of the campus boundary changes the yard orientation for the structure. As a single family residence on its own parcel, the structure was conforming to all yard requirements. The front yard was to the east, the rear yard to the west, and the side yards north and south. As part of the campus, the north yard becomes the rear yard and the side yards are to the east and west. The northernmost yard becomes nonconforming as a rear yard. However, reuse of existing structures is encouraged, and existing structures that do not meet yard requirements may be permitted to convert to institutional use per SMC 23.44.022.G, below.

*SMC 23.44.016 Parking.* Parking for the project is based on the area used for public assembly. One parking stall is required for each 80 square feet of assembly area and 21 spaces are required for the project. Fifty four parking stalls spaces are currently provided and no change to vehicular access to campus is proposed. Vehicles will still use the driveway off NE 100th street. No new access to the north property is proposed.

*SMC 23.44.022.D.3. Institutions seeking to establish or expand on property that is developed with residential structures may expand their campus up to a maximum of 2½ acres. An institution campus may be established or expanded beyond 2½ acres if the property proposed for the expansion is substantially vacant land.*

In order to meet this requirement, the property has received a Lot Boundary adjustment, under Project No. 3020153, and an approval to change the use of portion of the institution to open space and park, under Project No. 6484475. This proposal meets this criterion.

*SMC 23.44.022.E Dispersion.*

1. *The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred (600) feet or more from any lot line of any other institution in a residential zone, with the following exceptions:*
  - a. *An institution may expand even though it is within six hundred (600) feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.*
  - b. *A proposed institution may be located less than six hundred (600) feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions.*
2. *A proposed child-care center serving not more than twenty-five (25) children which does not meet the criteria of subsection E1 of this section may be permitted to locate less than six hundred (600) feet from a lot line of another institution if the Director determines that, together with the nearby institution(s), the proposed child care center would not:*
  - a. *Create physical scale and bulk incompatible with the surrounding neighborhood;*

- b. Create traffic safety hazards;
- c. Create or significantly increase identified parking shortages; or
- d. Significantly increase noise levels to the detriment of surrounding residents.

The existing campus is located 398 feet from the nearest institution (Maple Leaf Lutheran Church, located at the corner of NE 100<sup>th</sup> St. and 32<sup>nd</sup> Ave. NE). The applicant has received a variance from the standard that requires institutions in single family zones to be located more than 600 feet from other institutions in single family zones, under Project No. 3011716. The proposed campus boundary will not be located any closer to the nearest institution than permitted with the variance approved under Project No. 3011716.

**SMC 23.44.022.F Demolition of Residential Structures.** *No residential structure shall be demolished nor shall its use be changed to provide for parking. This prohibition may be waived if the demolition or change of use proposed is necessary to meet the parking requirements of this Land Use Code and if alternative locations would have greater noise, odor, light and glare or traffic impacts on surrounding property in residential use. If the demolition or change of use is proposed for required parking, the Director may consider waiver of parking requirements in order to preserve the residential structure and/or use. The waiver may include, but is not limited to, a reduction in the number of required parking spaces and a waiver of parking development standards such as location or screening.*

The proposal is to change the use of an existing single family structure from residential use to classrooms and offices accessory to the school. No demolition of residential structures is proposed, and the existing use will not be changed to provide parking for the institution.

**SMC 23.44.022.G Reuse of Existing Structures.** *Existing structures may be converted to institution use if the yard requirements for institutions are met. Existing structures which do not meet these yard requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.*

As explained above, the existing structure rear (northern) yard becomes nonconforming as a result of the campus expansion. As shown on the plans, a new six-foot cedar fence is proposed, continuing the existing six-foot cedar fence along the entire northern property line. The existing vegetation along the east property line will remain. No additional mitigation is warranted or required.

**SMC 23.44.022.H Noise and Odors.** *For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational areas, trash and refuse storage areas, ventilating mechanisms, sports facilities and other noise-generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.*

*In order to mitigate identified noise and/or odor impacts, the Director may require measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yard or parking development standards, design modifications, setting hours of operation for facilities or other similar measures.*

The City's Noise Ordinance Chapter 25.08 sets standards for sending and receiving noise levels depending on the zoning of the subject properties. Permissible noise levels are further reduced between the hours of 10 p.m. and 7 a.m. weekdays and 10 p.m. and 9 a.m. on weekends.

An outdoor play area, currently located between the existing school building and the subject property, will remain in the current location. An exterior play area will be added in the east yard of the structure to be converted to institutional use. The applicant has stated that play will be limited to between 8:30am and 5pm, Monday thru Friday, with no activities during the weekend or evenings. In order to mitigate noise impacts, the existing 6 foot fence will be extended along the north property line.

**SMC 23.44.022.I Landscaping.** *Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, reduce the coverage of the site by impervious surfaces, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.*

*Landscaping plant materials shall be species compatible with surrounding flora. Existing plant material may be required to be retained. Maintenance of landscaped areas shall be the continuing responsibility of the owner.*

Landscaping is required to integrate the institution with adjacent areas and reduce the appearance of bulk. The existing campus is heavily landscaped. The existing structure was built as a single family residence and has existing landscaping consistent with that use. The existing landscaping will be retained and new fences will be constructed along the north property line. The landscaping will be required to be maintained for the life of the project. No additional mitigation is warranted or required.

**SMC 23.44.022.J Light and Glare.** *Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. The Director may also require that the area and intensity of illumination, the location or angle of illumination be limited. Nonreflective surfaces shall be used to help reduce glare.*

No additional lighting is proposed.

**SMC 23.44.022.K Bulk and siting**

1. *Lot area. If the proposed site is more than one acre in size, the Director may require the following and similar development standards:*
  - a. *For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum;*
  - b. *For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially-zoned block fronts in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.*

2. *Yards.* Yards of institutions shall be as required for uses permitted outright pursuant to Section 23.44.014, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than 10 feet to the side lot line. If the Director finds that a reduced setback will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the structure in relation to nearby buildings, the sideyard setback may be reduced to 5 feet. Fences and freestanding walls of utility services uses, regulated under this Section 23.44.022 pursuant to Section 23.51A.002, shall be set back from the street lot line a minimum of 10 feet, and landscaping shall be provided between the fence or wall and the right-of-way. The Director may reduce this setback after finding that the reduced setback will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the fence, wall, or structure in relation to nearby buildings. Acceptable methods to reduce fence or wall impacts include changes in the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to provide visual interest facing the street lot line. Fences and walls may obstruct or allow views to the interior of a site. Where site dimensions and conditions allow, applicants are encouraged to provide both a landscaped setback between the fence or wall and the right-of-way, and a fence or wall that provides visual interest facing the street lot line, through the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features.
3. *Institutions Located on Lots in More Than One (1) Zone Classification.* For lots which include more than one (1) zone classification, single-family zone provisions shall apply only to the single-family-zoned lot area involved.
4. *Height Limit.*
  - a. Religious symbols for religious institutions may extend an additional twenty-five (25) feet above the height limit.
  - b. For gymnasiums and auditoriums that are accessory to an institution the maximum height shall be thirty-five (35) feet if portions of the structure above thirty-five (35) feet are set back at least twenty (20) feet from all property lines. Pitched roofs on a gymnasium or auditorium which have a slope of not less than four to twelve (4:12) may extend ten (10) feet above the thirty-five (35) foot height limit. No portion of a shed roof on a gymnasium or an auditorium shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.
5. *Facade Scale.* If any facade of a new or expanding institution exceeds thirty (30) feet in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.

The institution is larger than one acre in size. The existing structure was designed and used as a single family residence, and is sited and landscaped consistent with that use. The rear (north)

yard will be nonconforming for an institution in a Single Family zone. Other yards comply with the Land Use Code requirements.

The institution is located in one zone (SF 7200). The existing buildings will remain at the current heights, and no structures are proposed to be 35' tall or include religious symbols. The existing façade of the building to be converted to institutional use is longer than 30'. The existing structure was built as a single family residence and the scale is representative of nearby single family residences. No mitigation is warranted for the height or scale of the structure.

The existing landscaping will be retained and the existing fences will be extended at the north property line. The landscaping will be required to be maintained for the life of the project. No further mitigation is warranted or required.

***SMC 23.44.022.L Parking and Loading Berth Requirements.***

- 1. Quantity and Location of Off-street Parking.*
  - a. Use of transportation modes such as public transit, vanpools, carpools and bicycles to reduce the use of single-occupancy vehicles is encouraged.*
  - b. Parking and loading is required as provided in Section 23.54.015.*
  - c. The Director may modify the parking and loading requirements of Section 23.54.015 and the requirements of Section 23.44.016 on a case-by-case basis using the information contained in the transportation plan prepared pursuant to subsection 23.44.022.M. The modification shall be based on adopted City policies and shall:*
    - 1) Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and*
    - 2) Not cause undue traffic through residential streets nor create a safety hazard.*
- 2. Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.*
- 3. Loading Berths. The quantity and design of loading berths shall be as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.*

Per Seattle Land Use Code (SMC 23.54), the parking requirement for private schools is based on the area of the public assembly area. Twenty-one parking spaces are required; 54 are provided. The total building area for the site is 16,808 sf, which is less than the 40,000 sf threshold for loading berth requirements.

***SMC 23.44.022.M Transportation Plan.*** *A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of structure area and/or are required to provide an additional twenty (20) or more parking spaces.*

*The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Discussion of the following elements and other factors may be required:*

- 1. Traffic. Number of staff on site during normal working hours, number of users, guests and others regularly associated with the site, level of vehicular traffic generated, traffic peaking characteristics of the institution and in the immediate area, likely vehicle use patterns, extent of traffic congestion, types and numbers of vehicles associated with the institution and mitigating measures to be taken by the applicant;*
- 2. Parking. Number of spaces, the extent of screening from the street or abutting residentially zoned lots, direction of vehicle light glare, direction of lighting, sources of possible vibration, prevailing direction of exhaust fumes, location of parking access and curb cuts, accessibility or convenience of parking and measures to be taken by the applicant such as preference given some parking spaces for carpool and vanpool vehicles and provision of bicycle racks;*
- 3. Parking Overflow. Number of vehicles expected to park on neighboring streets, percentage of on-street parking supply to be removed or used by the proposed project, opportunities for sharing existing parking, trends in local area development and mitigating measures to be taken by the applicant;*
- 4. Safety. Measures to be taken by the applicant to ensure safe vehicular and pedestrian travel in the vicinity;*
- 5. Availability of Public or Private Mass Transportation Systems. Route location and frequency of service, private mass transportation programs including carpools and vanpools, to be provided by the applicant.*

A transportation plan is required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of structure area or providing 20 or more parking spaces. This criterion does not apply to the proposal since the change of use is less than 4,000 square feet.

**SMC 23.44.022.N.** *Development Standards for Existing Institutes for Advanced Study.*

- 1. The institute shall be located on a lot of not less than fifteen (15) acres.*
- 2. The lot coverage for all structures shall not exceed twenty (20) percent of the total lot area.*
- 3. Structures shall be set back a minimum of twenty-five (25) feet from any lot line.*
- 4. Parking areas shall be set back a minimum of ten (10) feet from any lot line.*
- 5. In the event of expansion, parking shall be required as provided for "existing institutes for advanced study" in Section 23.54.015, Required parking.*
- 6. Landscaping shall be provided between a lot line and any structure and shall be maintained for the duration of the use.*

This criterion also doesn't apply since the proposal is not an Institute for Advanced Study.



## **DECISION – ADMINISTRATIVE CONDITIONAL USE**

Based on the forgoing review and analysis and as conditioned by this Decision, the proposal will satisfy all relevant requirements of SMC Sections 23.44.022 governing an Administrative Conditional Use in a single family zone. The Administrative Conditional Use Permit to allow expansion of this religious institution is **CONDITIONALLY GRANTED**. As conditioned, the proposal is not expected to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the Institution is located.

## **CONDITIONS – ADMINISTRATIVE CONDITIONAL USE**

### **For the Life of the Project**

1. Landscaping and fences as shown on the approved plans, shall be retained and maintained at the north and east property lines that are shared with single family residential uses.

Magda Hogness, Land Use Planner \_\_\_\_\_ Date: April 18, 2016  
Seattle Department of Construction and Inspections

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## **IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

### Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.